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10/027,860	10/25/2001	Sami Savilaakso	324-010533-US(PAR)	1096
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,860

Applicant(s)

SAVILAAKSO, SAMI

Examiner

Dai A Phuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, **such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. Claims 10 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481

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(Bd. App. 1949). In the present instance, claims 10 and 20 recites the broad recitation of a digital mobile communication system **and** sending a transmission request for service content, and the claim also recites such as a GSM or UMTS mobile communication system **and** for example as a short message (SMS) or by means of the WAP protocol, respectively, which is the narrower statement of the range/limitation.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 8-9, 11-16, 18-19, 21-24 and 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakoda (U.S. 6,665,533).

Regarding claim 1, Sakoda discloses a method of using a service in a mobile communication network, in which method a service formed of one or more service contents are provided to be used by mobile stations connected to a mobile communication system, comprising: sending a transmission request for the desired service content from a mobile station (col. 6, lines 66 to col. 7, lines 8 and col. 8, lines 39-45); registering the received transmission request in the transmission queue maintained in the mobile communication system (col. 7, lines 9-13 and col. 8, lines 40-50); reading the service content having the transmission turn from the transmission queue when the service is transmitted (col. 7, lines 9-13 and col. 8, lines 39-50; and

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transmitting from the mobile communication system the service content to all mobile stations logged in to receive service content (col. 7, lines 9-23 and col. 7, lines 33-42).

Regarding claim 2, Sakoda discloses all the limitation in claim 1. Further, Sakoda discloses a method wherein sending a transmission request for the desired service content from the mobile station on the control channel of the mobile communication system (col. 2, lines 46-51 and col. 2, lines 66 to col. 3, lines 10).

Regarding claim 3, Sakoda discloses all the limitation in claim 1. Further, Sakoda discloses a method wherein transmitting service content to the mobile stations logged in to receive service content on the service channel of the mobile communication system (col. 7, lines 9-23 and col. 8, lines 62-67).

Regarding claim 4, Sakoda discloses all the limitation in claim 1. Further, Sakoda discloses a method wherein the service is music and the service content is a piece of music (col. 4, lines 59-67, col. 14-18 and col. 8, lines 51-55).

Regarding claim 5, Sakoda discloses all the limitation in claim 1. Further, Sakoda discloses a method wherein registering the received transmission request last in the transmission queue and reading the first service content in the transmission queue as the service content having the transmission turn (col. 6, lines 66 to col. 7, lines 18 and col. 8, lines 39-58).

Regarding claim 6, Sakoda discloses all the limitation in claim 1. Further, Sakoda discloses a method further comprising billing the mobile station for sending the transmission request for service content (col. 7, lines 65-67).

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Regarding claim 8, Sakoda discloses all the limitation in claim 1. Further, Sakoda discloses a method wherein providing in the mobile communication system the number and/or the total transmission time of the service contents in the transmission queue to be read by the mobile stations (col.7, lines 45-51).

Regarding claim 9, Sakoda discloses all the limitation in claim 1. Further, Sakoda discloses a method wherein providing in the mobile communication system the transmission order of the service contents in the transmission queue to be read by the mobile stations (col. 7, lines 45-51).

Regarding claim 11, Sakoda discloses an arrangement for using a mobile communication service, comprising a mobile communication system (col. 2, lines 66 to col. 3, lines 10), which comprises base stations (col. 2, lines 66 to col. 3, lines 10) for transmitting services formed of one or more service contents, the arrangement further comprising one or more mobile stations connected to the base station of the mobile communication system (fig. 1, col. 2, lines 66 to col. 3, lines 10), wherein at least one mobile station of the mobile stations connected to the base station comprises means for sending a transmission request for the desired service content (col. 2, lines 66 to col. 3, lines 10), the arrangement further comprising means for maintaining the transmission queue of service contents (col. 6, lines 40-59, col. 8, lines 22-29 and col. 9, lines 41-58), means for receiving the transmission request for the desired service content (col. 6, lines 66 to col. 7, lines 8), means for registering the received transmission request in the transmission queue (col. 7, lines 9-13), means for reading the service content having the transmission turn from the transmission queue when the service is transmitted (col. 7, lines 9-18 and col. 7, lines

45-51), and means for transmitting the service content to all mobile stations located in the service area of the base station and logged in to receive service content (col. 7, lines 9-23).

Regarding claim 12, Sakoda discloses all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising one or more control channels for sending transmission requests for service contents of mobile stations (col. 2, lines 66 to col. 3, lines 10), and that sending means of the mobile station are arranged to send a transmission request for the desired service content on said control channel (col. 2, lines 46-51).

Regarding claim 13, Sakoda discloses all the limitation in claim 11. Further, Sakoda discloses an arrangement the mobile communication system further comprising a service channel for sending a service to the mobile stations logged in to receive a service (col. 7, lines 9-23).

Regarding claim 14, Sakoda discloses all the limitation in claim 11. Further, Sakoda discloses an arrangement wherein the service is music and that the service content is a piece of music (col. 4, lines 59-67, col. 14-18 and col. 8, lines 51-55).

Regarding claim 15, Sakoda discloses all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising means for positioning the received transmission request last in the transmission queue (col. 6, lines 35-55 and col. 7, lines 9-13) and means for reading as the service content having the transmission turn the first service content in the transmission queue (col. 7, lines 9-13 and col. 8, lines 39-50).

Regarding claim 16, Sakoda discloses all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising means for billing the mobile station for sending the transmission request for service content (col. 7, lines 65-67).

Regarding claim 18, Sakoda discloses all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising means for presenting the number and/or the total transmission time of the service contents in the transmission queue to be read by the mobile stations (col. 7, lines 45-51).

Regarding claim 19, Sakoda discloses all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising means for presenting the transmission order of the service contents in the transmission queue to be read by the mobile stations (col. 7, lines 45-51).

Regarding claim 21, Sakoda disclose a network element in a mobile communication system for offering a service to mobile stations connected to the mobile communication system, wherein the network element comprises means for maintaining the transmission queue of service contents (col. 6, lines 40-49, col. 8, lines 22-29 and col. 9, lines 41-58, means for receiving the transmission request for the desired service content sent by the mobile station connected to the base station (col. 6, lines 66 to col. 7, lines 8), means for registering the received transmission request in the transmission queue (col. 7, lines 9-13 and col. 8, lines 45-50), and means for reading the service content having the transmission turn from the transmission queue when the service is transmitted (col. 7, lines 9-18 and col. 7, lines 45-51), the intention being to send said service content to all mobile stations located in the service area of the base station and logged in to receive service content (col. 7, lines 9-23).



Regarding claim 22, Sakoda discloses all the limitation in claim 21. Further, Sakoda discloses a network element wherein the service is music and the service content is a piece of music (col. 4, lines 59-67, col. 14-18 and col. 8, lines 51-55).

Regarding claim 23, Sakoda discloses all the limitation in claim 21. Further, Sakoda discloses a network element wherein the network element comprises means for positioning the received transmission request last in the transmission queue (col. 6, lines 35-55 and col. 7, lines 9-13), and means for reading as the service content having the transmission turn the service content first in the transmission queue (col. 7, lines 9-13 and col. 8, lines 39-50).

Regarding claim 24, Sakoda discloses all the limitation in claim 21. Further, Sakoda discloses a network element the network element further comprising means for billing the mobile station for sending the transmission request for service content (col. 7, lines 65-67).

Regarding claim 26, Sakoda discloses all the limitation in claim 21. Further, Sakoda discloses a network element the network element further comprising means for presenting the number and/or the total transmission time of the service contents in the transmission queue to be read by the mobile stations (col. 7, lines 45-51).

Regarding claim 27, Sakoda discloses all the limitation in claim 21. Further, Sakoda discloses a network element, the network element further comprising means for presenting the transmission order of the service contents in the transmission queue in the mobile communication system to be read by the mobile stations (col. 7, lines 45-51).

Regarding claim, 28, Sakoda discloses a mobile station, comprising: means for being connected to a mobile communication network providing a service formed of service contents on

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its service channel (col. 6, lines 66 to col. 7, lines 23); means for logging into the service channel of the mobile communication system to receive a service (col. 7, lines 9-23); and means for receiving service content together with other mobile stations logged into the service channel (col. 7, lines 9-23).

Regarding claim 29, Sakoda discloses all the limitation in claim 28. Further, Sakoda discloses a mobile station further comprising means for sending a transmission request for the desired service content (col. 8, lines 39-50).

Regarding claim 30, Sakoda discloses all the limitation in claim 28. Further, Sakoda discloses a mobile station further comprising means for reading the number and/or the total transmission time of the service contents in the transmission queue of service contents maintained in the mobile communication system (col. 7, lines 45-51).

Regarding claim 31, Sakoda discloses all the limitation in claim 28. Further, Sakoda discloses a mobile station further comprising means for reading the transmission order of the service contents in the transmission queue of service contents maintained in the mobile communication system (col. 7, lines 45-51).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 7, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakoda (U.S. 6,665,533) in view of Jacob et al. (U.S. 6,636,590).

Regarding claim 7, Sakoda discloses all the limitation in claim 6. But Sakoda does not explicitly disclose a method wherein billing the mobile station for sending the transmission request for service content, the sum being according to the wishes of the mobile station user, whereby the position of the service content in the transmission queue depends on the sum paid by the user. Moreover, Jacob et al. discloses a method wherein billing the mobile station for sending the transmission request for service content, the sum being according to the wishes of the mobile station user, whereby the position of the service content in the transmission queue depends on the sum paid by the user (col. 8, lines 45 to col. 9, lines 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal of Sakoda by selecting desired service via a communication terminal and billing to communication terminal user, as taught by Jacob et al., in order select desired service through a service provider by using communication terminal. The purpose of this is to provide certain desired service to a user base on the rate or the amount of money.

Regarding claim 17, Sakoda discloses all the limitation in claim 16. But, Sakoda fails to disclose an arrangement wherein the billing means are arranged to charge the mobile station the amount of money the mobile station user wishes for sending the transmission request for service content, the arrangement comprising means for changing the position of the service content in the transmission queue depending on the sum paid by the user. In the same field of endeavor, Jacob et al. discloses an arrangement wherein the billing means are arranged to charge the mobile station the amount of money the mobile station user wishes for sending the transmission

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request for service content, the arrangement comprising means for changing the position of the service content in the transmission queue depending on the sum paid by the user (col. 8, lines 45 to col. 9, lines 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal of Sakoda by selecting desired service via a communication terminal and billing to communication terminal user, as taught by Jacob et al., in order select desired service through a service provider by using communication terminal. The purpose of this is to provide certain desired service to a user base on the rate or the amount of money.

Regarding claim 25, Sakoda discloses all the limitation in claim 24. But, Sakoda does not particularly show a network element wherein the billing means are arranged to charge the mobile station the amount of money the mobile station user wishes for sending the transmission request for service content, the network element comprising means for changing the position of the service content in the transmission queue depending on the sum paid by the user. However, Jacob et al. discloses a network element wherein the billing means are arranged to charge the mobile station the amount of money the mobile station user wishes for sending the transmission request for service content, the network element comprising means for changing the position of the service content in the transmission queue depending on the sum paid by the user (col. 8, lines 45 to col. 9, lines 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal of Sakoda by selecting desired service via a communication terminal and billing to communication terminal user, as taught by Jacob et al., in order select desired service through a service provider by using

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communication terminal. The purpose of this is to provide certain desired service to a user base on the rate or the amount of money.

8. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakoda (U.S. 6,665,533) in view of Lohtia et al. (U.S. 6,560,456).

Regarding claim 10, Sakoda discloses all the limitation in claim 1. But, Sakoda does not particularly disclose a method wherein the mobile communication system is a digital mobile communication system, such as a GSM or UMTS mobile communication system, and sending a transmission request for service content for example as a short message (SMS) or by means of the WAP protocol. However, Lohtia et al. discloses a method wherein the mobile communication system is a digital mobile communication system, such as a GSM or UMTS mobile communication system, and sending a transmission request for service content for example as a short message (SMS) or by means of the WAP protocol (col. 4, lines 51 to col. 5, lines 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal of Sakoda by specifically using SMS to obtain desired information over short message service, as taught by Lohtia et al, in order to receive desired information such as text message, audio data, image over short message service. The purpose of this is to obtain requested desired information from the communication system by using short message service to provide enhanced network capability (Lohtia et al., col. 1, lines 39-42).

Regarding claim 20, Sakoda discloses all the limitation in claim 11. But Sakoda does not explicitly disclose an arrangement wherein the mobile communication system is a digital mobile communication system, such as a GSM or UMTS mobile communication system, and said

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transmission request for service content is sent in the system for example as a short message (SMS) or by means of the WAP protocol. In the same field of endeavor, Lohtia et al. discloses a method wherein the mobile communication system is a digital mobile communication system, such as a GSM or UMTS mobile communication system, and sending a transmission request for service content for example as a short message (SMS) or by means of the WAP protocol (col. 4, lines 51 to col. 5, lines 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal of Sakoda by specifically using SMS to obtain desired information over short message service, as taught by Lohtia et al, in order to receive desired information such as text message, audio data, image over short message service. The purpose of this is to request desired information from the communication system by using short message service to provide enhanced network capability (Lohtia et al., col. 1, lines 39-42).

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. (U.S. 6,083,009) Karaoke service and telecommunication system

Schulhof et al. (U.S. 5,572,442) system for distributing

Tsutsui et al. (Pub. No: 20040092226) recording method and receiving method

Bouvier et al. (U.S. 6,430,276) network access service

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 703-605-4373. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU : 2685  
Date : 11-18-2004



W. R. YOUNG  
PRIMARY EXAMINER